

**H.C.R. 131****H.C.R. 190**

Sent to Governor  
(April 13, 1989)

**S.C.R. 102****S.B. 436****S.B. 505****S.B. 590****S.B. 609**

Signed by Governor  
(April 13, 1989)

**H.B. 1477** (Effective immediately)**FORTY-FOURTH DAY**

(Monday, April 17, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, this morning we give thanks that You have given us another day in which we can be useful. We can be helpful. We can be productive, and we can be obedient to Your will. We acknowledge that to be what we can be is a challenge. Challenge these, we pray, who serve in this Senate, and sustain them as they work toward objectives that mean progress and stability in our State. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 13, 1989, was dispensed with and the Journal was approved.

**CAPITOL RESTORATION DRAWINGS EXHIBITED**

The President announced that proposed Capitol Restoration architectural renderings were displayed today on the Senate floor.

He invited the Members to examine these proposals.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

**S.C.R. 67****S.C.R. 96****S.C.R. 111**

S.B. 10  
S.B. 229  
S.B. 785  
S.B. 847  
S.B. 1136

#### REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Finance:

H.B. 1497  
S.B. 857

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1107  
H.B. 264  
S.B. 591

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 981

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1252  
C.S.S.B. 1243

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1588

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 595  
C.S.S.B. 1101  
C.S.S.B. 1100  
C.S.S.B. 732

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1080  
S.B. 1027  
C.S.S.B. 1550  
C.S.S.B. 1265

Senator Montford submitted the following report for the Committee on State Affairs:

C.S.H.B. 769  
C.S.S.B. 1341

**SENATE BILLS ON FIRST READING**

On motion of Senator Brown and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1688** by Brown State Affairs  
Relating to creation and operation of the space industry and education fund.

**S.B. 1689** by Johnson Economic Development  
Relating to the administration and operation of certain job training programs.

**S.B. 1690** by Sims Natural Resources  
Relating to the boundaries of the Real-Edwards Conservation and Reclamation District.

**S.B. 1691** by Haley State Affairs  
Relating to tolerance allowances from axle load limitations for certain vehicles.

**S.B. 1692** by Haley Intergovernmental Relations  
Relating to the compensation of the members of the juvenile boards of Cherokee and Nacogdoches counties.

**S.B. 1693** by Santiesteban Natural Resources  
Relating to exclusion of certain territory from the El Paso County Lower Valley Water District Authority.

**S.B. 1694** by Parmer, Glasgow, McFarland Criminal Justice  
Relating to crime control districts in certain counties; authorizing certain taxes; prohibiting the issuance of bonds other than performance and payment bonds; and granting the power of eminent domain.

**S.B. 1695** by Haley Economic Development  
Relating to the regulation of persons who in connection with the sale of goods or services offer prizes or gifts and/or solicit participation in sweepstakes or contests; providing a penalty.

**S.B. 1696** by Carriker Natural Resources  
Relating to permits to control certain predator animals and manage certain wildlife from aircraft; increased penalties for the prohibited use of aircraft, and seizure and sale of aircraft, vehicles, and guns for certain offenses.

**S.B. 1697** by Zaffirini, Health and Human Services  
Brooks, Tejeda, Truan  
Relating to state mental health and substance abuse services and programs for children, families of children, and adults.

**S.B. 1698** by Zaffirini Health and Human Services  
Brooks, Tejeda, Truan  
Relating to the provision of services to runaways, truants, juveniles at risk of suffering abuse or neglect, and to abused children and the children's families.

**S.B. 1699** by Glasgow Education  
Relating to bilingual education and special language programs.

**S.B. 1700** by Glasgow Natural Resources  
Relating to authorizing the Texas Animal Health Commission to commission certain employees as peace officers.

**S.B. 1701** by Glasgow Finance  
Relating to a facility use fee charged and collected from students at Tarleton State University.

- S.B. 1702** by Green Jurisprudence  
Relating to certain trusts, estates, and guardianships.
- S.B. 1703** by Armbrister Health and Human Services  
Relating to certain regulatory functions and procedures of the Texas Department of Health as the Texas Radiation Control Agency involving naturally occurring radioactive material as a type of by-product material.
- S.B. 1704** by Armbrister Natural Resources  
Relating to the penalties for violations of commercial fishing license requirements under the Parks and Wildlife Code.
- S.B. 1705** by Armbrister Natural Resources  
Relating to the licensing of oyster boats that use a dredge to remove oysters from public water and to the responsibility for oystering violations.
- S.B. 1706** by Glasgow Finance  
Relating to the taxation of the sale and transportation of natural gas.
- S.B. 1707** by Barrientos Intergovernmental Relations  
Relating to abatement of noise surrounding existing airports.
- S.B. 1708** by Caperton, Armbrister Health and Human Services  
Relating to the creation, administration, powers, duties, operation, and financing of the Colorado-Fayette Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.
- S.B. 1709** by Caperton Economic Development  
Relating to options to continue health insurance coverage after divorce, death, or retirement.

**CO-AUTHOR OF SENATE BILL 73**

On motion of Senator Carriker and by unanimous consent, Senator Brooks will be shown as Co-author of **S.B. 73**.

**CO-AUTHOR OF SENATE BILL 672**

On motion of Senator Edwards and by unanimous consent, Senator Harris will be shown as Co-author of **S.B. 672**.

**CO-AUTHOR OF SENATE BILL 803**

On motion of Senator Zaffirini and by unanimous consent, Senator Sims will be shown as Co-author of **S.B. 803**.

**CO-AUTHOR OF SENATE BILL 822**

On motion of Senator Parmer and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 822**.

**CO-AUTHOR OF SENATE BILL 1094**

On motion of Senator Brooks and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 1094**.

**CO-AUTHOR OF SENATE BILL 1345**

On motion of Senator Johnson and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 1345**.

**CO-AUTHOR OF SENATE BILL 1708**

On motion of Senator Caperton and by unanimous consent, Senator Armbrister will be shown as Co-author of S.B. 1708.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 17, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1099**, Relating to issuance of emergency cease and desist orders by the commissioner of insurance; authorizing the imposition of a civil penalty.

**H.B. 1211**, Relating to payment for health care services pursuant to the Indigent Health Care and Treatment Act.

**H.B. 1408**, Relating to the establishment of motor vehicle emission inspection and maintenance programs.

**H.B. 1155**, Relating to the imposition, administration, collection and enforcement of motor fuel taxes, prescribing penalties and declaring an emergency.

**H.B. 966**, Relating to receivership for and liquidation of insurance companies.

**H.B. 1029**, Relating to the collection of judgments through court proceedings.

**H.B. 1229**, Relating to certain unlawful methods of taking game and fish; providing penalties.

**H.B. 153**, Relating to the jurisdiction of the Webb County Court at Law.

**H.B. 780**, Relating to the creation, administration, powers, duties, operation and financing of the Northeast Growth Corridor Water, Sewer, Irrigation and Drainage District No. 2.

**H.B. 1234**, Relating to the creation, administration, powers, duties, operation and financing of the Isaacson Municipal Utility District.

**H.B. 1700**, Relating to the powers and duties of the Dallas County Utility and Reclamation District and the terms of office of the district directors.

**H.B. 301**, Relating to the expansion of Cuero Hospital District of De Witt County, Texas; renaming the district; prescribing a procedure for an election on the expansion of the district and the levy of a tax for meeting requirements of its bonds and its maintenance and operation expenses; prescribing a procedure for annexation of additional territory to the district; prescribing a procedure for election of the board of directors of the district; granting the district the power to provide additional medical and health care services; granting the authority to borrow funds; prescribing a procedure for providing medical and hospital care to indigent persons; and enacting other provisions incident and related to the subject and purpose.

**H.B. 1955**, Relating to the boundaries of the Lavaca Hospital District of Lavaca County, Texas.

**H.B. 306**, Relating to the prohibition of certain disbursements from a county fund to a person with an outstanding debt to the State or county.

**H.B. 462**, Relating to the requirement of notice to the county clerk of municipal boundary changes and to the updating of the official county map.

**H.B. 487.** Relating to the use of funds contributed by or for a participant in the optional retirement program for faculty members of State institutions of higher education.

**H.B. 526.** Relating to expunction of criminal records.

**H.B. 541.** Relating to the establishment of the office of the long-term care ombudsman in the Texas Department on Aging; providing a criminal penalty.

**H.B. 602.** Relating to the disposition of fees collected by a county tax assessor-collector under the Certificate of Title Act.

**H.B. 684.** Relating to mandatory retirement ages for tenured faculty at institutions of higher education.

**H.B. 1077.** Relating to the procedure for amending a county budget in certain counties.

**H.B. 1153.** Relating to an expelled student who enrolls in another school district.

**H.B. 1190.** Relating to the approval by the Texas Water Commission of levee improvement district bonds.

**H.B. 1191.** Relating to approval by the Texas Water Commission of drainage district bonds.

**H.B. 1271.** Relating to an increase in benefits and a cost of living adjustment in certain retirement systems of fire fighters and declaring an emergency.

**H.B. 1325.** Relating to the entrance examination for a beginning position in the fire or police department of certain cities.

**H.B. 1344.** Relating to the regulation of funeral directing and embalming.

**H.B. 1364.** Relating to authority of the commissioners court of a county to authorize a fee for certain fire inspections.

**H.B. 1393.** Relating to the validation of certain municipal consolidations.

**H.B. 1394.** Relating to the validation of certain municipal annexations.

**H.B. 1400.** Relating to certain powers and duties that may be exercised by a doctor of osteopathic medicine.

**H.B. 1547.** Relating to the expiration date of licenses to operate crab meat picking or pasteurization plants.

**H.B. 1678.** Relating to the delivery of the key to the ballot box containing voted ballots in certain elections.

**H.B. 1684.** Relating to the authority of the Commissioners Court of Hidalgo County and Commissioners Court of Cameron County to pay an automobile allowance to the district judges having jurisdiction in Hidalgo County and Cameron County.

**H.B. 1852.** Relating to the vote required to approve certain contracts of the Lower Colorado River Authority.

**H.B. 1991.** Relating to the board of directors of the Lower Colorado River Authority.

**H.B. 1885.** Relating to membership in, benefits from and administration of the Texas Municipal Retirement System.

H.B. 1946, Relating to the creation of the Gulf Coast Environmental Research Consortium.

H.B. 2170, Relating to a certificate of title on a "homemade boat."

H.B. 2171, Relating to the rights of a buyer of a new motorboat or outboard motor.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.C.R. 41, To Committee on Education.  
H.B. 153, To Committee on Jurisprudence.  
H.B. 301, To Committee on Health and Human Services.  
H.B. 306, To Committee on Intergovernmental Relations.  
H.B. 462, To Committee on Intergovernmental Relations.  
H.B. 487, To Committee on State Affairs.  
H.B. 526, To Committee on Criminal Justice.  
H.B. 541, To Committee on Health and Human Services.  
H.B. 582, To Committee on Health and Human Services.  
H.B. 602, To Committee on State Affairs.  
H.B. 684, To Committee on Education.  
H.B. 698, To Committee on Jurisprudence.  
H.B. 729, To Committee on Jurisprudence.  
H.B. 731, To Committee on Criminal Justice.  
H.B. 737, To Committee on Health and Human Services.  
H.B. 772, To Committee on State Affairs.  
H.B. 780, To Committee on Natural Resources.  
H.B. 800, To Committee on State Affairs.  
H.B. 966, To Committee on Economic Development.  
H.B. 1029, To Committee on Jurisprudence.  
H.B. 1077, To Committee on Intergovernmental Relations.  
H.B. 1099, To Committee on Economic Development.  
H.B. 1106, To Committee on Health and Human Services.  
H.B. 1153, To Committee on Education.  
H.B. 1155, To Committee on Finance.  
H.B. 1190, To Committee on Natural Resources.  
H.B. 1191, To Committee on Natural Resources.  
H.B. 1211, To Committee on Health and Human Services.  
H.B. 1229, To Committee on Natural Resources.  
H.B. 1234, To Committee on Natural Resources.  
H.B. 1271, To Committee on Intergovernmental Relations.  
H.B. 1302, To Committee on State Affairs.  
H.B. 1325, To Committee on Intergovernmental Relations.  
H.B. 1344, To Committee on Economic Development.  
H.B. 1364, To Committee on Intergovernmental Relations.  
H.B. 1393, To Committee on Intergovernmental Relations.  
H.B. 1394, To Committee on Intergovernmental Relations.  
H.B. 1400, To Committee on Health and Human Services.  
H.B. 1408, To Committee on State Affairs.

H.B. 1547, To Committee on Health and Human Services.  
 H.B. 1678, To Committee on State Affairs.  
 H.B. 1684, To Committee on Intergovernmental Relations.  
 H.B. 1700, To Committee on Natural Resources.  
 H.B. 1852, To Committee on Natural Resources.  
 H.B. 1885, To Committee on Intergovernmental Relations.  
 H.B. 1946, To Committee on Health and Human Services.  
 H.B. 1955, To Committee on Health and Human Services.  
 H.B. 1991, To Committee on Natural Resources.  
 H.B. 2170, To Committee on Natural Resources.  
 H.B. 2171, To Committee on Natural Resources.

#### SENATE BILL 12 WITH HOUSE AMENDMENT

Senator Sims called S.B. 12 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### Committee Amendment - Soileau

Amend S.B. 12 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 28.01, Penal Code, is amended by adding Subdivisions (5) and (6) to read as follows:

(5) "Open-space land" means real property that is undeveloped for the purpose of human habitation.

(6) "Controlled burning" means the burning of unwanted vegetation with the consent of the owner of the property on which the vegetation is located and in such a manner that the fire is controlled and limited to a designated area.

SECTION 2. Section 28.02, Penal Code, is amended to read as follows:

Sec. 28.02. ARSON. (a) A person commits an offense if he starts a fire or causes an explosion with intent to destroy or damage:

(1) any vegetation, fence, or structure on open-space land; or

(2) any building, habitation, or vehicle:

(A) ~~[(1)]~~ knowing that it is within the limits of an incorporated city or town;

(B) ~~[(2)]~~ knowing that it is insured against damage or destruction;

(C) ~~[(3)]~~ knowing that it is subject to a mortgage or other security interest;

(D) ~~[(4)]~~ knowing that it is located on property belonging to another;

(E) ~~[(5)]~~ knowing that it has located within it property belonging to another; or

(F) ~~[(6)]~~ when he is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

(b) It is an exception to the application of Subsection (a)(1) of this section that the fire or explosion was a part of the controlled burning of open-space land.

(c) It is a defense to prosecution under Subsection (a)(2)(A) ~~[(a)(1)]~~ of this section that prior to starting the fire or causing the explosion, the actor obtained a permit or other written authorization granted in accordance with a city ordinance, if any, regulating fires and explosions.

(d) [(c)] An offense under this section is a felony of the second degree, unless bodily injury or death is suffered by any person by reason of the commission of the offense, in which event it is a felony of the first degree.

SECTION 3. This Act takes effect September 1, 1989.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Sims and by unanimous consent, the Senate concurred in the House amendment to S.B. 12 viva voce vote.

#### HONORARY PAGES INTRODUCED

Senator Sims was recognized to introduce Honorary Pages serving the Senate today: Tandra Turner, Jennifer Orr and Ryan and Keith Junell, sons of Representative Robert Junnell of San Angelo.

These young people were welcomed by the Senate and received the appreciation of the Senate for their service today.

#### SENATE CONCURRENT RESOLUTION 120

Senator Johnson offered the following resolution:

S.C.R. 120. Recognizing Small Minority and Women-Owned Business Month in Texas.

The resolution was read.

On motion of Senator Johnson and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

#### SENATE BILL 86 ON THIRD READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 86, Relating to a deed of trust on a homestead.

The bill was read third time.

Senator Henderson offered the following amendment to the bill:

Amend the Committee Printing of S.B. 86 on page 1, line 36 by striking "primary" and substituting "sole".

By unanimous consent, the amendment was read and was adopted viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 25, Nays 0.

Absent: Lyon, Parker, Parmer, Tejeda, Uribe, Washington.

#### GUEST PRESENTED

Senator Brown was recognized and presented Dr. Grant Fowler of Houston.

Dr. Fowler, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

**SENATE BILL 453 WITH HOUSE AMENDMENTS**

Senator Carriker called **S.B. 453** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Floor Amendment - Stiles**

Amend **S.B. 453** on lines 9-12 by deleting Subsection (a) and adding a new Subsection (a) as follows:

(a) This section applies only in a municipality with a population of less than 2.4 million, according to the most recent federal census which is eligible to adopt state civil service pursuant to Chapter 143 of the Local Government Code.

**Floor Amendment On Third Reading - Eckels**

Amend **S.B. 453** on third reading by striking Subsection (a) of the added Section 142.0016 and substituting the following:

(a) This section applies only in a municipality with a population of less than 1.5 million that is eligible to adopt state civil service under Chapter 143.

The amendments were read.

On motion of Senator Carriker and by unanimous consent, the Senate concurred in the House amendments to **S.B. 453** viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1270 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1270**, Relating to the membership of a club holding a private club registration permit.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1270 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1270** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Lyon, Parmer, Washington.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 1081 ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1081**, Relating to the management, investment, and expenditure of funds held by certain educational, religious, or charitable organizations.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 1081** as follows:

Delete the current language in Section 1, Sec. 163.004(d) (Committee Printing page 2, lines 36-45) and substitute the following language:

(d) Subsection (a) does not apply if the applicable gift instrument indicates the donor's intention that the net appreciation not be expended. A restriction on the expenditure of net appreciation may not be implied from a designation of a gift as an endowment or from a direction or authorization in the applicable gift instrument to use only "income." This rule of construction applies to gift instruments executed or in effect before, on, or after the effective date of this chapter.

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **SENATE BILL 1081 ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1081** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 498 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 498**, Relating to search warrants for fire, health, or code inspections.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **C.S.S.B. 498** as follows:

1. Strike Article 18.05(d), lines 51-54, page 1, and substitute the following:

(d) Each city or county may designate one code enforcement official for the purpose of being issued a search warrant as authorized by Subsection (a) of this article. A political subdivision other than a city or county may designate one code enforcement official for the purpose of being issued a search warrant as authorized by Subsection (a) of this article only if the political subdivision routinely inspects premises to determine whether there is a fire or health hazard or unsafe building condition or a violation of fire, health, or building regulation, statute, or ordinance.

The amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 498 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 498** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 810 ON SECOND READING**

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 810**, Relating to the right of a victim of a criminal offense to be present during certain criminal proceedings concerning the offense.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **C.S.S.B. 810** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Glasgow, Parker, Washington.

Absent: Dickson, Montford.

The bill was read second time and was passed to engrossment viva voce vote.

**RECORD OF VOTE**

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 810 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 810** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Glasgow, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 192 ADOPTED**

Senator Glasgow called from the President's table the Conference Committee Report on **S.B. 192**. (The Conference Committee Report having been filed with the Senate and read on Wednesday, April 5, 1989.)

On motion of Senator Glasgow, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Green.

**SENATE BILL 1325 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1325**, Relating to certain mixed beverage permits and license fees; providing minibar permits.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 1325 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1325** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 20 ON THIRD READING**

Senator Washington moved that the regular order of business be suspended and that **C.S.S.B. 20** be placed on its third reading and final passage.

**C.S.S.B. 20**, Relating to corporal punishment in public schools.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Johnson, Krier, McFarland, Parker, Ratliff, Santiesteban, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Haley, Harris, Henderson, Leedom, Lyon, Montford, Sims.

Absent: Parmer.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

Yeas: Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Johnson, Krier, McFarland, Parker, Ratliff, Santiesteban, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Glasgow, Haley, Harris, Henderson, Leedom, Lyon, Montford, Sims.

Absent: Parmer.

**SENATE BILL 82 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 82**, Relating to the Texas Higher Education Coordinating Board's duty to devise formulas to be used in making appropriations recommendations to the legislature for institutions of higher education and to the Legislative Budget Board's duty regarding those formulas.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 82**, Section 1, Subsection (1), Sec. 61.059, Texas Education Code.

(1) (1) Add the phrase "at public senior colleges and universities," after the word "funding." Delete that phrase after "nontenured faculty."

(1) (2) Amend the language to read, "equal funding of a master's or doctoral level course that is offered at a public senior college or university not offering a particular master's or doctoral program in an academic area but that is counted toward credit in a cooperative master's or doctoral program with another public senior college or university."

Delete Subsections (A) and (B).

The committee amendment was read.

On motion of Senator Parker and by unanimous consent, further consideration of **S.B. 82** was withdrawn.

Question - Shall the committee amendment be adopted?

**COMMITTEE SUBSTITUTE  
SENATE BILL 134 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 134**, Relating to security for judgments pending appeal.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 134 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 134** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed-viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 531 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 531**, Relating to the continuation and operation of the State Property Tax Board.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend the Committee Printing of **C.S.S.B. 531** on page 3, line 67 by striking "or" and substituting "and".

The amendment was read and was adopted viva voce vote.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend the Committee Printing of **C.S.S.B. 531** on page 1, line 33 by striking the sentence beginning with the word "At", and on line 34 by striking "At least three" and substituting "All".

The amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.S.B. 531** by adding a new Section 16 (Committee Printing, page 8) to read as follows and renumbering existing Sections 16 and 17 as Sections 17 and 18 respectively:

SECTION 16. Section 6.05, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) An action of the chief appraiser relating to the finances or administration of the appraisal district is subject to the approval of the appraisal district board of directors.

The amendment was read and was adopted viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 531 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 531** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 904 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 904**, Relating to the offense of going or attempting to go into a secured area in an airport with a weapon.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 904 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 904** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 869 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 869**, Relating to expedited filing, indexing, of a document by the secretary of state.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 869 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 869** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 698 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 698**, Relating to the storage of certain flammable liquids in certain aboveground storage tanks by a retail service station located in certain areas.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 698 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 698 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 82 ON SECOND READING**

The Senate resumed consideration of the following bill on its second reading and passage to engrossment with a committee amendment pending:

**S.B. 82**, Relating to the Texas Higher Education Coordinating Board's duty to devise formulas to be used in making appropriations recommendations to the legislature for institutions of higher education and to the Legislative Budget Board's duty regarding those formulas.

Question - Shall the committee amendment be adopted?

The committee amendment was adopted viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**SENATE BILL 82 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 962 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 962**, Relating to the regulation of banks.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 962 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 962 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 371 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 371**, Relating to certain job-training service providers and programs.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 371 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 371** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator McFarland and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Criminal Justice might consider **S.B. 1330** tomorrow at 9:30 a.m.

**MEMORIAL RESOLUTIONS**

**H.C.R. 191** - (Krier): In memory of Eugene L. Ames of San Antonio.

**S.R. 436** - By Montford: In memory of Robert E. Gee of Lubbock.

**S.R. 437** - By Montford: In memory of John Spikes of Lubbock.

**S.R. 438** - By Montford: In memory of Charles E. Mayfield of Lubbock.

**S.R. 450** - By Glasgow: In memory of Kay Skiles of Denton.

**S.R. 451** - By Glasgow: In memory of Lotena Alexander of Stephenville.

**S.R. 452** - By Glasgow: In memory of Reverend Fred Porter of Breckenridge.

**S.R. 453** - By Glasgow: In memory of Frank D. Kent of Fort Worth.

**S.R. 454** - By Glasgow: In memory of Myron Stout of Chatham, Massachusetts.

**S.R. 455** - By Glasgow: In memory of Harwell V. Shepard of Denton.

**S.R. 456** - By Glasgow: In memory of Ernest Mark Dunson of Mineral Wells.

**S.R. 457** - By Glasgow: In memory of Joe Anderson May, Jr., of Justin.

**S.R. 458** - By Glasgow: In memory of E. W. Killian, Jr., of Denton.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 171** - (Caperton): Recognizing Caldwell as the "Kolache Capital of Texas."

**S.R. 434** - By Caperton: Commending Joe Ramirez for his work in motivating and educating young Texans.

**S.R. 435** - By Caperton: Extending congratulations to Daniel R. Richey on achieving the rank of Eagle Scout.

**S.R. 446** - By Uribe: Extending congratulations to the Xochil Art Institute for its contributions to the arts.

**S.R. 447** - By Dickson: Extending congratulations to Evant Elks High School basketball team on their outstanding basketball season.

**S.R. 448** - By Barrientos: Extending congratulations to the San Marcos First Christian Church on the completion of their magnificent new home.

**S.R. 449** - By Caperton: Extending congratulations to Samuel J. Richey on attaining the rank of Eagle Scout.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:40 p.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Sent to Governor  
(April 17, 1989)

**S.C.R. 67**  
**S.C.R. 96**  
**S.C.R. 104**  
**S.C.R. 111**  
**S.B. 10**  
**S.B. 41**  
**S.B. 229**  
**S.B. 785**  
**S.B. 847**  
**S.B. 1136**

#### **FORTY-FIFTH DAY** (Tuesday, April 18, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Everett Cain, Rector, Good Shepherd Episcopal Church, Austin, offered the invocation as follows:

Almighty God, who has given us this good land for our heritage, we humbly pray that we may always prove ourselves a people who remember the grace You have bestowed upon us.